

NO. 79976-8

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STATE OF WASHINGTON  
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**SUPREME COURT OF THE  
STATE OF WASHINGTON**

CURTIS A. BEAUPRE, Plaintiff/Respondent

v.

PIERCE COUNTY, Defendant/Appellant

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**APPELLANT'S ADDITIONAL AUTHORITY  
RE: MERITS**

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GERALD A. HORNE  
Prosecuting Attorney

By  
DANIEL R. HAMILTON  
Deputy Prosecuting Attorney  
Attorneys for Pierce County

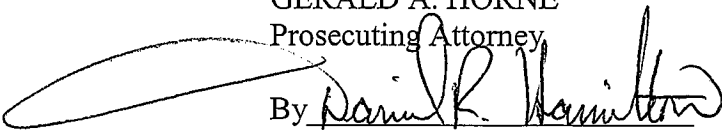
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Pursuant to RAP 10.8, appellant now respectfully submits the following additional authority that was quoted and relied upon by this and other Washington courts on the issue of the professional rescuer/fireman's rule:

1. Jackson v. Volveray Corp., 82 N.J. Super. 469, 198 A.2d 115, 118 & 121 (N.J. Sup. Ct. App. Div. 1964)(fireman's "rule of non-liability extends not only to negligence in creating or starting the fire but also includes negligence related to the spread of the fire" because the "law on this subject is not concerned with how the fire began or spread before the firemen arrived, but rather whether, after they arrived and undertook to fight the fire, they were subjected to risks not inevitable or inherent in fighting the fire of that kind and extent.")
2. Krauth v. Geller, 31 N.J. 270, 157 A.2d 129, 131 (N.J. 1960) (fireman's rule is based on "primary" assumption of risk "meaning that the defendant did not breach a duty owed")
3. Spencer v. B.P. John Furniture, 255 Or. 359, 467 P.2d 429, 431-32 (Or. 1970)(fireman's rule based on "primary" assumption of risk "meaning that the defendant did not breach a duty owed" and it applies not just to negligence that caused a fire but also to conditions that "enhanced the normal risks to be expected in fighting a fire of the kind involved" -- i.e. conditions that were not "an unusual, serious, hidden danger which could not have been anticipated ....")

DATED: May 17<sup>th</sup>, 2007.

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**CERTIFICATE OF SERVICE**

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I hereby certify that on this 17th day of May, 2007, a true copy of Appellant's  
Additional Authority Re: Merits was forwarded by United States Mail, postage prepaid, 2: 53  
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BY RONALD R. CARPENTIER

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